

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 13-17, 2006

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-14	OPP	91155512	Wholesome Harvest, LLC v. Foxy Foods, LLC	Quinn* Walters Kuhlke	2(d)	Opposition Sustained	“WHOLESOME HARVEST” (and design) [organically produced meat and poultry]	“WHOLESOME HARVEST” [precut, ready to serve vegetables]			No
2-14	OPP	91156728	The Zoological Society of San Diego, Inc. and Donald Borgen v. Helen Woodward Animal Center	Hairston* Walters Drost	2(d); whether opposer Borgen proved his standing	Opposition by the Zoological Society Sustained; Opposition by Borgen Dismissed	<i>Zoological Society's marks:</i> “CANS FOR CRITTERS” [fund raising for support of research and educational endeavors in connection with improving the health, wellbeing and breeding potential for near-extinct wildlife] <i>and</i> “CELEBRATION FOR THE CRITTERS” [fund raising services for zoological activities] <i>Borgen's mark:</i> “CARS FOR PETS” [charitable fund raising in the area of donation of vehicles to be auctioned so that the proceeds can be used for animal shelters in the care and adoption placements of homeless animals]	“CARS FOR CRITTERS” [charitable fund raising]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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2-14	EX	78309794	Tele-Ventions, LLC	Seeherman Hohein Walters*	whether applicant's specimens show use of its mark in connection with its recited services	Refusal Affirmed		"SHOW NAV" [digital video recorders featuring viewer selection option of recorded program segments]		Keating	No
2-15	EX	78326415	Bargain Network, Inc.	Hohein Grendel Kuhlke*	2(d) as to Class 35; Section 6 disclaimer requirement (of BARGAIN.COM) as to both classes	Refusal Affirmed as to both classes and on all grounds		"BARGAIN.COM" (and design) [in Class 35: computerized on-line retail store services in the field of automobiles; providing information in the field of auctions; providing information about automobiles for sale by means of the Internet; in Class 36: computerized on-line real estate listing; providing information in the field of real estate home purchasing]	"BARGAIN" [leasing and renting of automobiles and other vehicles]	Snyder	No
2-15	EX	76541018	Promo Ink	Quinn Drost* Kuhlke	2(e)(1)	Refusal Affirmed		"PARTY AT A DISCOUNT!" [preparation and dissemination for others of advertising and promotional matter via global communications networks in the field of shopping for goods and services]		Kim	Yes

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2-15	EX	75788830	Red Bull GmbH	Hairston Walters* Zervas	2(a) [immoral or scandalous mark]	Refusal Affirmed in all classes		"BULLSHIT" [in Class 32: beer, mineral waters, aerated waters, carbonated waters, flavored waters and other non-alcoholic beverages; and other goods; in Class 33: rum, vodka, gin, tequila, whiskey, brandy spirits, distilled spirits, wine, and other goods; in Class 42: catering; hotel and lodging services; restaurant and bar services; medical care services; beauty salon services; veterinary services; scientific and research services; and a wide variety of other services]		Borsuk	Yes
2-15	EX	78195616	Hunter Fan Company	Walters Rogers Kuhlke*	2(e)(1)	Refusal Affirmed		"ERGONOMIC" [ceiling fans]		Gaskins	Yes
2-15	EX	75405826	Red Bull GmbH	Bucher* Holtzman Rogers	whether applicant's specimens show use of the mark it seeks to register	Refusal Affirmed		"WINGS" [mineral and aerated waters and other non-alcoholic beverages; energy and sports drinks]		Goodsaid	No

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2-15	EX	78377319	Universal Interactive, Inc.	Hairston Drost* Zervas	2(d); whether applicant's identification of its "electronic publications" goods is sufficiently definite	Refusal Affirmed on both grounds		"SPYRO" [computer game software; pre-recorded motion pictures featuring animated characters; pre-recorded audio cassettes, video cassettes, DVDs, CDs, and CD-ROMs featuring musical scores and dialog; entertainment software in the nature of a game capable of being played on a TV gaming system or portable gaming system; electronic publications, namely, downloadable newsletters, magazines, and catalogues; photographic cameras; radios; sunglasses; decorative magnets, video game cartridges, video game cassettes]	"SPYRO" [computer software, namely, programs recorded on magnetic media, and user manuals sold therewith]	Evanko	No
2-15	EX	76326801	Toy Concepts	Seeherman Bucher Holtzman*	2(d)	Refusal Affirmed		"SPLASHER-BLASTER" [water toys, namely, water guns]	"SPLASH N' BLAST" [toys, namely, inflatable toys for use in the water]	J. McMorrow	No
2-17	EX	78056154	V.E.W., Ltd.	Quinn Hairston* Kuhlke	whether that which applicant seeks to register functions as a trademark for its goods	Refusal Affirmed		"VERA WANG ON WEDDINGS" [magazines, books, brochures and catalogues, all featuring information on fashion, weddings, wedding planning, lifestyles, and matters of general interest]		Nadelman	No

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